IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
TUESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO : 16925 of 2004

Between:

M/s Naga Sai Lakshmi Trader rep.by its Prop.Eamani Padmavati W/o.Emani Koti Reddy, R/o.Munnangivari Palem Village Chunduru Mandal, Guntur District.

..... PETITIONER

AND

State Bank of India, Agricultural Development Branch, Marrisepet, Tenali, rep.by its Branch Manager, Guntur District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the impugned notice dt.22.7.2004 issued by the Respondent herein is contrary to K.V.I.C.Scheme, R.B.I.Guidelines, arbitrary and illegal and also contrary to the procedure and consequently direct the respondent not to proceed further on the said impugned notice and to pass.

Counsel for the Petitioner:MR.A.RAGHAVAIAH

Counsel for the Respondent : Ch.Lakshmi kumari

The Court, at the stage of admission, made the following :

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ORDER:

By the impugned notice issued under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (Second) Ordinance, 2002, (Subsequently enacted into an Act) (for short 'the Act'), the petitioner was called upon to discharge the liabilities stated in the notice. Against such notice, the petitioner can submit his explanation, and on passing final orders under Section 13 (4) of the Act, the petitioner will have a right of appeal to the Debt Recovery Tribunal.

In view of the same, it is always open for the petitioner to submit his explanation, and as and when the orders are passed under Section 13 (4) of the Act, he can avail the remedy of appeal under Section 17 of the Act.

Accordingly, the writ petition is dismissed. No costs.

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A. GOPAL REDDY, J

September 21, 2004
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To:

1. Branch Manager, State Bank of India, Agricultural Development Branch, Marrisepet, Tenali, Guntur.
2 Two C.D. Copies.